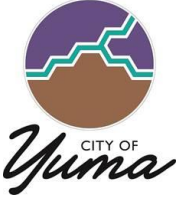


**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on March 9, 2023 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	Agenda Hearing Officer Public Hearing City Hall Council Chambers One City Plaza Thursday, March 9, 2023 9:30 a.m.
---	--

City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- February 9, 2023

APPLICATIONS TO BE CONSIDERED

1. **VAR-40954-2023:** This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.
2. **VAR-41002-2023:** This is a request by JB Infrastructure, on behalf of Immanuel Southern Baptist Church, for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1000 E. 24th Street, Yuma, AZ.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373

**Hearing Officer Meeting Minutes
February 9, 2023**

A meeting of the City of Yuma's Hearing Officer was held on February 9, 2023, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Alyssa Linville, Director of Planning and Neighborhood Services; Erika Peterson, Associate Planner and Alejandro Marquez, Administrative Specialist.

Rodriguez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Rodriguez approved the minutes of January 12, 2023.

PUBLIC HEARINGS

VAR-40941-2022: *This is a request by Del Outdoor Advertising, Inc., on behalf of Ortiz Plaza, LLC, for a variance to increase the maximum allowable wall-mounted signage from 24 square feet to 94 square feet in the Transitional/Infill Overlay (TR/IO) District, for the property located at 1606 S. 6th Avenue, Yuma, Arizona.*

Erika Peterson, Associate Planner, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

Rodriguez asked if the sign was to be mounted on the building. **Peterson** replied yes. **Rodriguez** asked how the size of the sign was determined. **Peterson** replied that the sizes vary depending on the Zoning District in which the buildings were located.

APPLICANT/APPLICANTS REPRESENTATIVE

Brandi Wright, on behalf Sign Pros, 1702 S. Arizona Avenue, stated because the size of the wall on which the sign would be mounted a larger sign would be needed to be more visible to the public. **Wright** went on to say that if the reason for Staff's denial of the variance was because the sign was to be an LED sign the applicant was willing to change the design to a painted aluminum tunnel letter sign to match the color and style of the building.

Rodriguez asked if Dell Outdoor Advertising and Sign Pros were the same company. **Wright** answered yes.

Jesus Ortiz, on behalf of Ortiz Plaza LLC, 1606 s. 6th Aveneue, said he was available for questions.

Peterson stated that the denial of the request was not because of the type of the sign to be used on the building, and that Staff was not opposed to LED lighting.

Rodriguez clarified that the denial was for the size of the sign. **Peterson** answered yes.

OPEN PUBLIC COMMENT

None

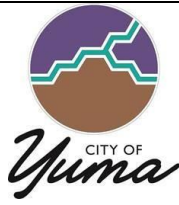
DECISION

Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Rodriguez adjourned the meeting at 9:42 a.m.

Minutes approved and signed this _____ day of _____, 2023.

Hearing Officer



STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Zenia Fiveash

Hearing Date: March 9, 2023

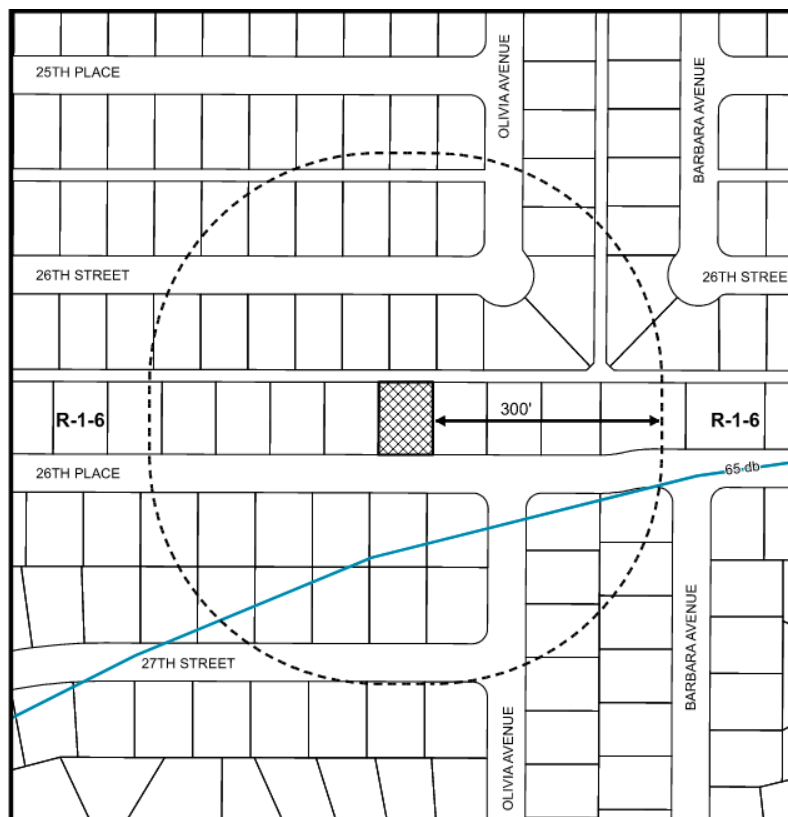
Case Number: VAR-40954-2023

Project Description/Location:

This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
North	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
South	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
East	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
West	Low Density Residential R-1-6	Single Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance 791 (December 31, 1959); Subdivision: Palo Verde Estates No. 2 March 4, 1970)

Staff recommendation: Staff recommends **DENIAL** of the request to allow the reduction of the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District, per conditions outlined in Attachment A, because it does not meet the criteria of §154-03.04 of the Yuma City Code. Although Staff is not recommending a variance for the aforementioned item, if a variance is granted Staff recommends that the variance be conditioned to include conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)			YES
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA86-12	Relief of parking requirement	Disapproval	Approval

Staff Analysis: The subject property is located along 26th Place, within the Palo Verde Estates No. 2 Subdivision. The property features a single-family residence on a parcel which measures approximately 6,741 square feet, in the Low Density Residential (R-1-6) District. The said property is subject to the following setback requirements: front yard setback of 20', side yard setback of 7', and rear yard setback of 10'.

According to the Yuma City Code, all required parking shall be located outside of the required front yard setback as specified in the applicable zoning district. When the property was developed, the covered parking, located outside of this front yard setback, satisfied this requirement. With this request, the applicant is seeking to enclose the existing legal parking area for the purposes of creating more livable space within the residence. In enclosing this parking area, the applicant intends on utilizing the existing driveway for their required parking area; reducing the required parking setback from 20 feet to zero feet.

After researching the request and the property, it has been determined that there are no special circumstances that apply to the property in regards to the size, shape or layout. While the request to reduce the front yard setback would not be uncommon within the surrounding area, the permitting of this variance could be detrimental to the surrounding property owners or those in nearby proximity.

1. Does the proposed variance meet the criteria of §154-16.04(D)(1) of the Yuma City Code?

A) "There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: "The special circumstance is: I, the property owner, is a disabled and hand-i-capped Vietnam Veteran. There is a need for improvement; handicapped access and exits for a wheelchair or walker in and out of the laundry-washroom and exterior exits, cleanliness health and recreation, for well-being. Also the enhancement to the property and neighborhood. This does not apply to other property owners in the district."

Staff Analysis: There is no special circumstance or condition that applies to the property that does not apply to most other properties in this district. After researching the property staff was unable to identify a special circumstance that relates to the size, shape nor layout of the property which satisfies the need to recommend approval for this variance request.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“The special circumstance was not caused by the property owner or applicant”*

Staff Analysis: According to staff’s analysis, the special circumstance is being created by the property owner. The property owner is seeking to enclose the existing legal parking area to create more livable space within the single-family residence; this remodel would create a lot that does not meet the parking requirements within the Low Density Residential (R-1-6) District. While not the preferred location of the applicant, an alternative solution does present itself in the form of parking, accessed from the adjacent alleyway.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“The granting of the variance is necessary for the resident’s elderly handicapped, cleanliness, health and well-being of persons residing and the preservation of property rights enjoyed by others in the vicinity under identical zoning designations.”*

Staff Analysis: The purpose of a front yard setback is to ensure reasonable clear vision along the street for either the driver or pedestrian safe crossing of the sidewalk and entrance into traffic without mishap. The applicant has the option of parking at the rear of his property to ensure everyone’s safety.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“There is no detriment to the persons residing, working, the neighborhood, or the public health, safety and general welfare.”*

Staff Analysis: The granting of this variance will lead to some detrimental effects on the neighbors and general public traveling near this property without the required clear vision of traffic. Since the 1970 creation of this subdivision, a number of property owners have converted there parking requirements to living spaces which increases the potential for visual impediments along 26th Place.

2. Are any of the adjacent property owners opposed to this request? No

Public Comments Received: Yes

Name:	Ron Iverson			Contact Information: rondiverson@gmail.com						
Method of Contact:	Phone		FAX		Email X		Letter		Other	
1-28-2023 "Hi Zenia. I just got your card regarding future changes to parking around my house. Your talking about a yard setback. Can you explain to me in laymans terms (I'm 80) as to exactly what you are planning and how it effects my property? I am co-owner with Malcolm Grissom. Thank you. I live at 1680 E 26th PI, Yuma AZ 85365"										
1-29-2023 "Hi again Zenia. I talked to my neighbor, and he said what he thought was the party at 1620 E 26th PI was probably wanting to put in a driveway, and a vote from the people within the 300 feet would be needed. If this is the case, I have no problem with him doing this and give my full ok for it. If this is correct, please let me know, and you have a great day! Thank you, Ron"										

External Agency Comments: None received

Neighborhood Meeting Comments: No meeting required

Final staff report delivered to applicant on: February 15, 2023

Proposed conditions delivered to applicant on:

- ☐ Applicant agreed with all of the conditions of approval on: November 2, 2022
- ☐ Applicant did not agree with the following conditions of approval: (list #s)
- ☒ Conditions of approval have been emailed to applicant and no response has been received, 2-15-2023. conditions of approval were e-mailed to the applicant and a response was not received.

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By:

Zenia Fiveash

Date: February 15, 2023

Zenia Fiveash
Assistant Planner

Zenia.Fiveash@yumaaz.gov (928)373-5000, Ext. 3040

Approved By: *Alyssa Linville*

Date: February 20, 2023

Alyssa Linville,
Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director
(928) 373-5000, x 3037:**

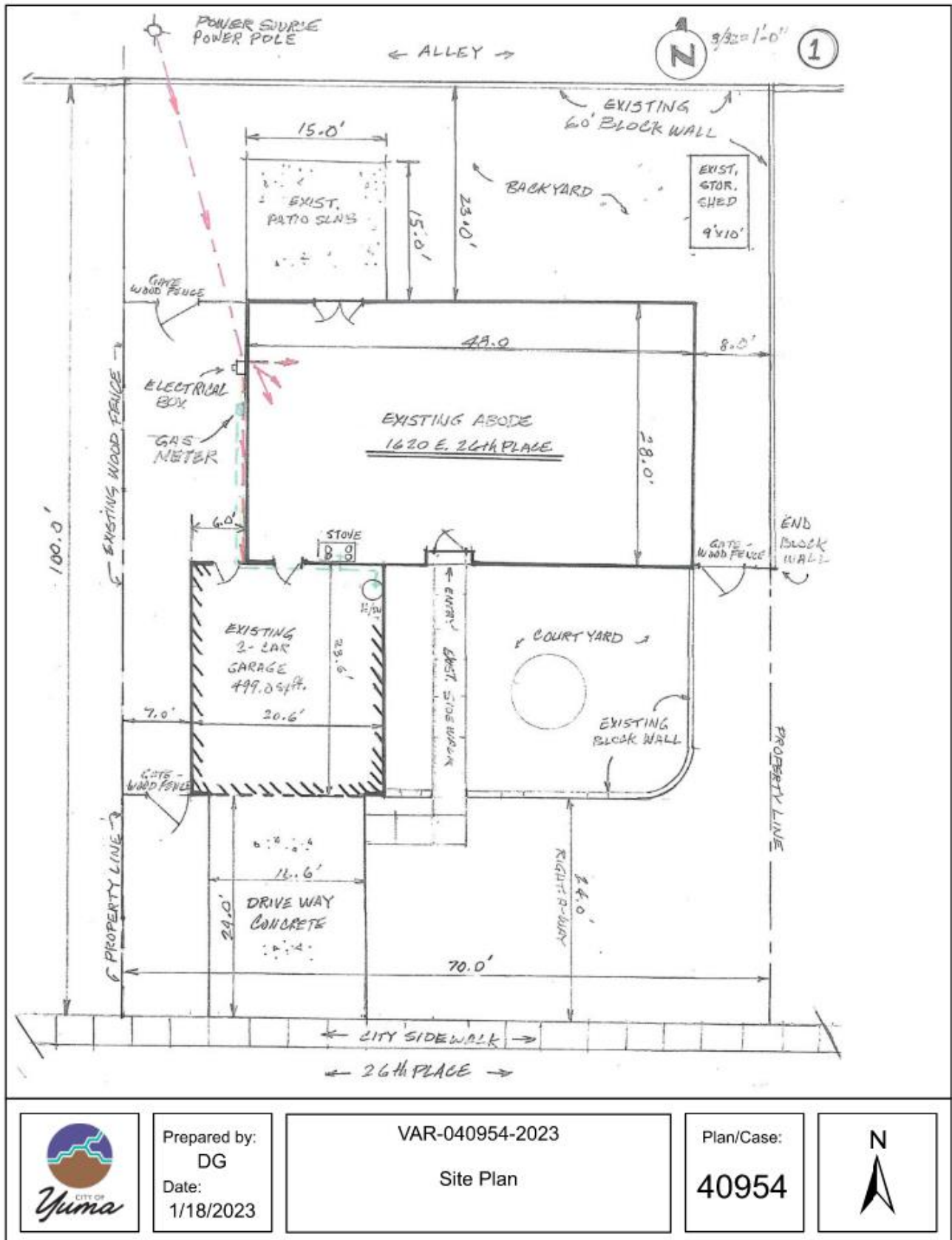
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x 3040:

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 2-03-23
- 300' Vicinity Mailing: 1-25-23
- Site Posted on: 2-15-23
- 34 Commenting/Reviewing Agencies Noticed: 1-25-23
- Neighborhood Meeting Date: N/A
- Hearing Date: 2-23-23
- Comments Due: 2-06-23

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	1-26-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	1-30-23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
SITE PHOTOS



ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code	
PRECIADO CATALINA RUIZ	2563 S OLIVIA AVE	YUMA	AZ 85365
DOWD WILLIAM & CECILIA JT	2573 S OLIVIA AVE	YUMA	AZ 85364
MARTIN GARY L	2583 S OLIVIA AVE	YUMA	AZ 85365
GUZMAN BLANCA RAMOS	1369 E 26TH ST	YUMA	AZ 85365
SHAYA RAGHEED N	101 E 24TH ST	YUMA	AZ 85364
PALACIO ERNESTO M & MANUELA A JT	1361 E 26TH ST	YUMA	AZ 85365
BRAKEFIELD LAURIA DEENE	1357 E 26TH ST	YUMA	AZ 85365
AROS RICARDO JR	1353 E 26TH ST	YUMA	AZ 85365
ESPINOZA TERESA SIQUEIROS	1349 E 26TH ST	YUMA	AZ 85364
SANTANA MARIA E	PO BOX 8085	SCOTTSDALE	AZ 85252
JUAREZ CRISTINA FERNANDEZ	1 PAJARO WY	SALINAS	CA 93901
FARNSWORTH SANDRA J LIVING TRUST 11-09-99	1337 E 26TH ST	YUMA	AZ 85365
NAVARRO MARY L	1340 E 26TH ST	YUMA	AZ 85365
ROBLES JOSEPHINE V LIVING TRUST 10-26-1995	1344 E 26TH ST	YUMA	AZ 85365
SIMENTAL LORENZO & ESPERANZA Z JT	1348 E 26TH ST	YUMA	AZ 85365
ALMODOVA CHRISTIAN A	1352 E 26TH ST	YUMA	AZ 85365
DURAN ARTHUR S & PATRICIA R JT	1356 E 26TH ST	YUMA	AZ 85364
DURAN FAMILY LIVING TRUST 2-16-06	1360 E 26TH ST	YUMA	AZ 85365
FAZ DULCE	10940 TRINITY PKWY SP C-334	STOCKTON	CA 95219
LAU BM FAMILY TRUST 10-18-2017	1310 W RIDGEVIEW DR	YUMA	AZ 85364
RIVAS DOLORES M	2580 S BARBARA AVE	YUMA	AZ 85365
JUAREZ MARICELLA J	2570 S BARBARA AVE	YUMA	AZ 85364
NIMAN KRISTINE LOUISE & BLAKE T	1542 E 27TH ST	YUMA	AZ 85365
DE YOUNG MARK	1535 E 26TH PL	YUMA	AZ 85365
WILCOX MATHEW RANDALL	1520 E 26TH PL	YUMA	AZ 85365
CANOLE TRUST 4-4-2019	1540 E 26TH PL	YUMA	AZ 85365
KINNICK DODGE REVOCABLE LIVING TRUST 11-23-2020	1562 E 27TH ST	YUMA	AZ 85365
ST PIERRE STEVE	1582 E 27TH ST	YUMA	AZ 85365
VILLAGRANA PABLO MIRANDA	1602 E 27TH ST	YUMA	AZ 85364
ROA IRVING	1622 E 27TH ST	YUMA	AZ 85365
P SUE AZ LLC	310 RUSSELL RD	ISLAND	WA 98282
URIBE DAVID	1560 E 26TH PL	YUMA	AZ 85365
AGUILAR TIFFANY D	1580 E 26TH PL	YUMA	AZ 85365
SANTINI ALICE	2681 S OLIVIA AVE	YUMA	AZ 85364
FEDERICO CARLOS & DUNIA M	2610 S BARBARA AVE	YUMA	AZ 85365
WHITTEN BRYCE ALLEN	1363 E 25TH PL	YUMA	AZ 85365

HO TRANG THUY	2637 S 34TH AVE	YUMA	AZ	85364
VASQUEZ ALEJANDRA ESTRELLA	1355 E 25TH PL	YUMA	AZ	85365
ALVAREZ GUADALUPE A & MARTHA	1351 E 25TH PL	YUMA	AZ	85365
RIVAS DANIEL	1347 E 25TH PL	YUMA	AZ	85365
DUNNIGAN DAVID PAUL	1643 E 27TH ST	YUMA	AZ	85365
GILBERT JANET M		YUMA	AZ	85365
HUDSON MICHAEL D & DIANA R	1603 E 27TH ST	YUMA	AZ	85365
BERMUDEZ JUAN JR & ESMERALDA JT	1635 E 26TH PL	YUMA	AZ	85365
TAPIA EVELYN PEREZ	1615 E 26TH PL	YUMA	AZ	85364
HARTWELL ELEANOR T	1595 E 26TH PL	YUMA	AZ	85365
KEANE KENNETH	1575 E 26TH PL	YUMA	AZ	85365
NORIEGA MARCO & VANESSA NICOLE	1555 E 26TH PL	YUMA	AZ	85365
SMITH AMANDA J	1600 E 26TH PL	YUMA	AZ	85365
MCCABE JOHN K & JACQUELINE JT	1620 E 26TH PL	YUMA	AZ	85365
LUZBETAK RAYMOND & MARIA E JT	1640 E 26TH PL	YUMA	AZ	85365
LEON MARIA ELENA	1660 E 26TH PL	YUMA	AZ	85365
IVERSON RONALD D	1680 E 26TH PL	YUMA	AZ	85365
DAY FREDERICK	2651 S OLIVIA AVE	YUMA	AZ	85365
MERCADO FAMILY TRUST 12-14-2012	2661 S OLIVIA AVE	YUMA	AZ	85365
BROOKS NANCY A ET AL	12734 E 40TH ST	YUMA	AZ	85367
RUNDLE ANNE MARIE	2630 S BARBARA AVE	YUMA	AZ	85365
MIRANDA MARCO	2620 S BARBARA AVE	YUMA	AZ	85365
MERRILL CLINT	1704 E 26TH PL	YUMA	AZ	85365

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-40954-2023**

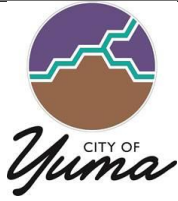
PUBLIC HEARING
2/23/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1620 E. 26th Place, Yuma, AZ,
, you are invited to attend the public hearing to voice your comments. If you have questions
or wish to submit written comments, please contact Zenia Fiveash by phone at (928) 373-
5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT G
AERIAL PHOTO





**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Bob Blevins**

Hearing Date:

MARCH 9, 2023

Case Number:

VAR-41002-2023

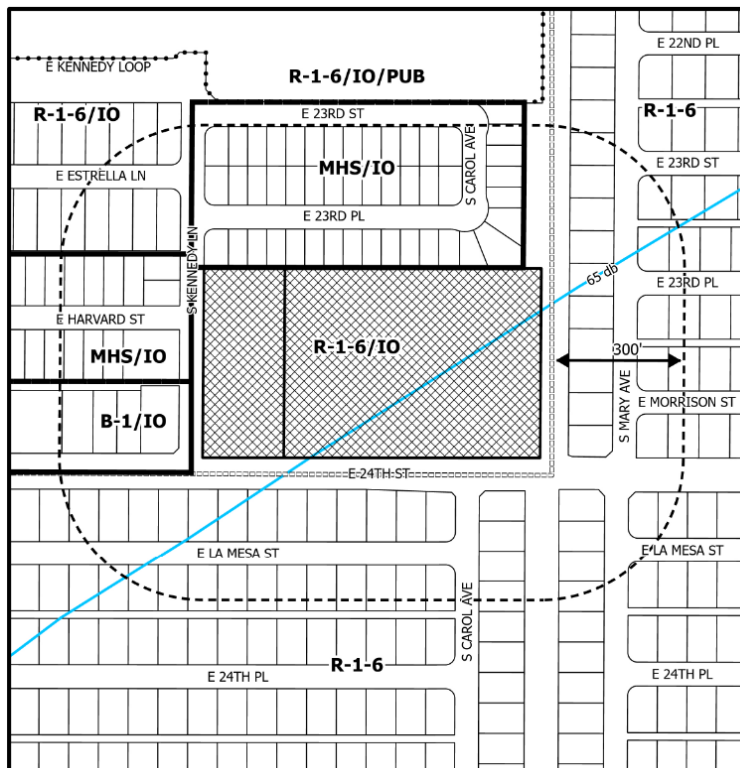
Project

Description/Location:

This is a request by JB Infrastructure, on behalf of Immanuel Southern Baptist Church, for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1000 E. 24th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Religious Services	Low Density Residential
North	Manufactured Housing Subdivision (MHS)	Residential	Low Density Residential
South	Low Density Residential (R-1-6)	Residential	Low Density Residential
East	Low Density Residential (R-1-6)	Residential	Low Density Residential
West	Manufactured Housing Subdivision (MHS) / Limited Commercial (B-1)	Residential / Commercial	Low Density Residential / Mixed Use

Location Map:



Prior site actions: Annexation: Ord. #1263 (May 3, 1972); Rezone: Ord. #1355 (March 20, 1974; from Interim Controls to Residence “A”); CUP-17150-2017 (Church and related uses).

<u>Staff recommendation:</u>	Staff recommends APPROVAL of the request for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-03.04 of the Yuma City Code.
-------------------------------------	---

Have there been any other variance requests of a similar nature in the vicinity and zoning district? YES.			
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
HO2011-002	Increase height of monopalm to 65 ft.	Approval	Approved

Staff Analysis: **From the Customer:**

“AT&T is proposing a stealth wireless telecommunication facility disguised as a 65 ft. mono-palm. The facility will have nine (9) antennas, split within three (3) sectors, two (2) antennas per sector and six (6) remote radio units; a 30’ x 50’ ground compound lease area comprised of an 8’ CMU retaining wall, a permanent DC generator, one (1) GPS antenna (mounted to the WIC), one (1) walk-in cabinet (WIC), contained within a 1,500 sq. ft. lease area.

“In accordance with the City of Yuma’s Personal Wireless Communications Code – Article 19, the proposed facility is designed to be unobtrusive and shall be in context with the immediate surroundings in addition to being architecturally compatible with the existing structures on-site.

“Access to our proposed wireless telecommunication facility will be via an existing driveway. One unassigned parking stall will be used for periodic, monthly, maintenance and required parking will not be impacted.”

Staff Comments:

In 2011, a similar project, a concealed/disguised personal wireless site located behind a church at 1780 E. 24th Street, was granted a variance for the same height. This segment of E. 24th Street is the path for major power lines at heights approaching 80 feet. These poles and lines run along the south side of E. 24th Street near the proposed monopalm. Structures (like power poles and cell towers) at such heights are not out-of-character along this arterial street.

In addition to the need for this height variance, the monopalm will need an in-house aesthetic review of its appearance, including: the artificial fronds, the equipment shelter walls, and the required live landscaping.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

- A) ***“There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”***

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *“The subject property is zoned residential but the occupancy is not residential homes, it is a church and school. Lot is quite large and unlike other properties in the area. The addition of the wireless facility, a use that is permitting on this property, is ideal due to size and us being able to meet the required setbacks.”*

Staff Analysis: The church and associated uses have been in operation since 1964 on this residentially-zoned property. The Zoning Ordinance allows personal wireless concealed/disguised cell site on a residentially-zoned property which does not have a residential use. This project, on this property serves special circumstance, which does not apply to most other residentially-zoned properties.

- B) ***“The special circumstance was not created or caused by the property owner or applicant.”***

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *“The current property owner acquired the property in the year 2000, it was already a school and it appears that they added the church activities to the use on the property.”*

Staff Analysis: The non-residential uses and buildings on this property were created prior to the purchase by the present owners. The church and associated uses continue to this day.

- C) ***“The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”***

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *“This location meets AT&T’s design objectives without disturbing the property rights of other owners (or the current owner of the subject property) in the vicinity.”*

Staff Analysis: This new project is approximately 250 feet from any residences. It should not harm any of the neighbor’s property rights.

- D) ***“The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”***

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: “The installation and operation of the wireless facility will improve coverage for AT&T customers in the vicinity as stated above. Also included herewith is the emissions report verifying no detriment to public health and AT&T has met all emissions standards as set forth by the FCC.”

Staff Analysis: This variance request will not be detrimental to anyone residing in the area, the adjacent property, to the neighborhood, or to the public health, safety, and general welfare. This new facility should provide better coverage for public safety responders, the neighborhood, and for the vehicular traffic along 24th Street.

2. Are any of the adjacent property owners opposed to this request? None.

Proposed conditions delivered to applicant on: 02/22/2023

Final staff report delivered to applicant on: 03/01/2023

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 02/22/2023
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan & Elevation	Agency Notifications	Agency Comment	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Robert M. Blevins* **Date:** 02/22/23
 Robert M. Blevins
 Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Approved By: *Alyssa Linville* **Date:** 02/24/23
 Alyssa Linville,
 Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director of Planning and Neighborhood Services (928) 373-5000, x 3037:

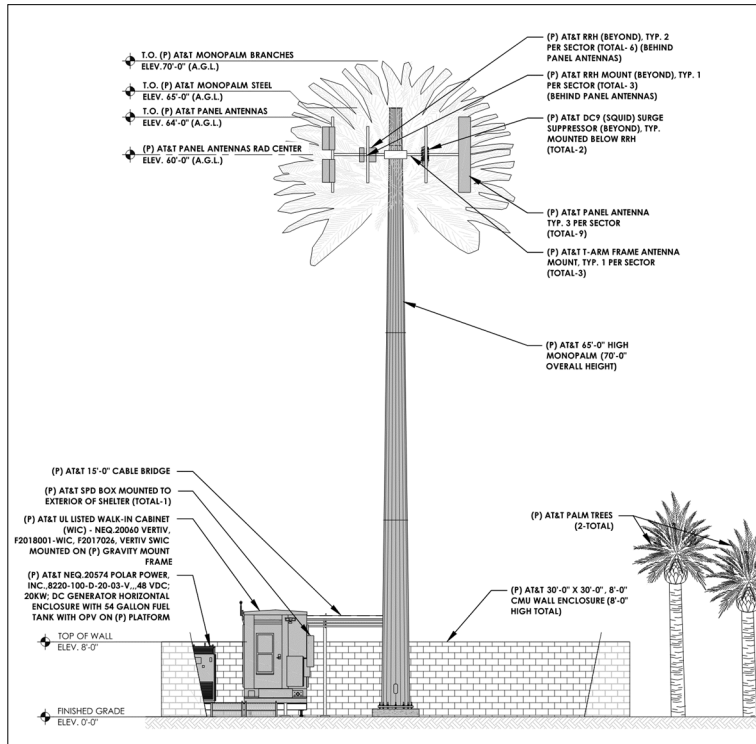
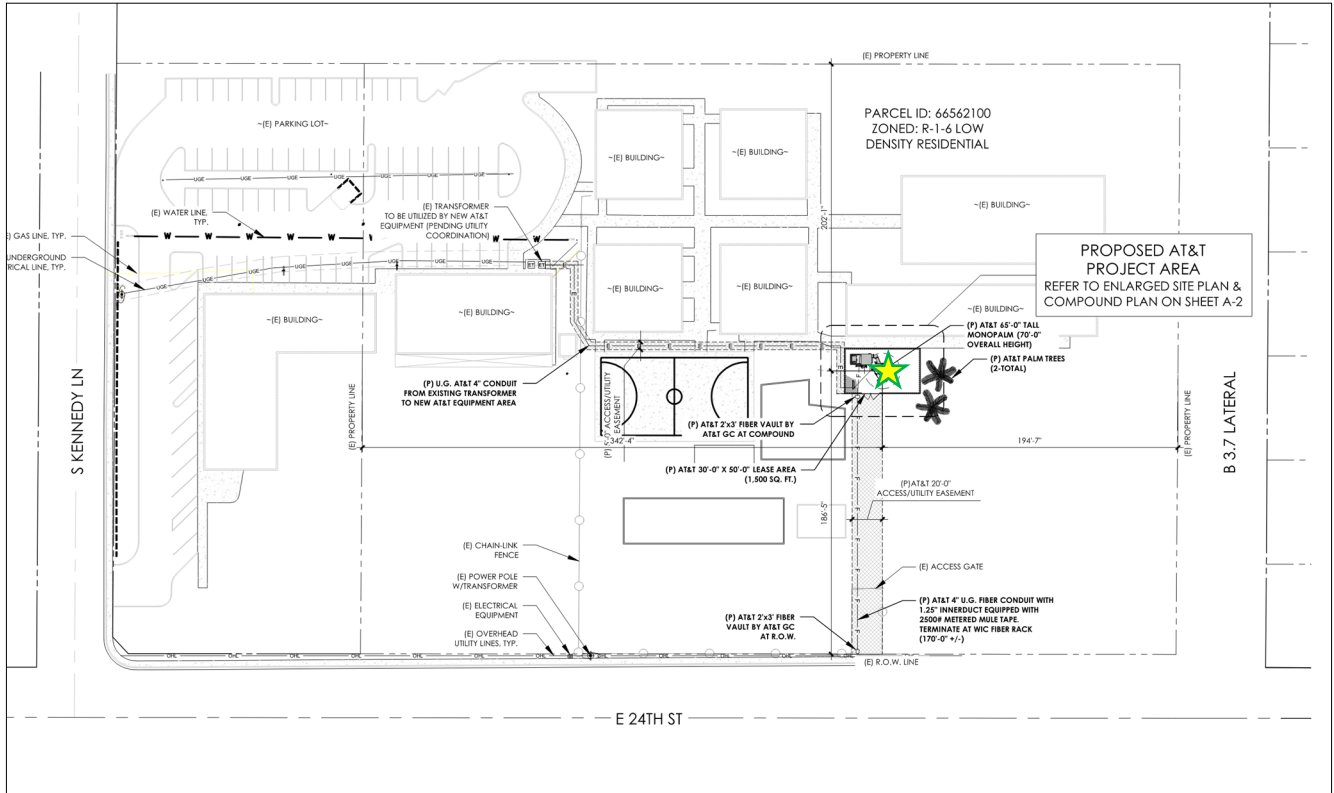
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Robert M. Blevins, Principal Planner, (928) 373-5189

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN & ELEVATION



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 02/17/23
- 300' Vicinity Mailing: 02/08/23
- Site Posted on: 02/13/23
- 34 Commenting/Reviewing Agencies Noticed: 02/08/23
- Neighborhood Meeting Date: 02/21/23
- Hearing Date: 03/09/23
- Comments Due: 02/20/23

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	02/21/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	02/08/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	02/17/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENT

MCAS Yuma reviewed this request separately via a Tower Request and it was determined the proposed project does not interfere with military operations. An FAA Form 7460-1 must be filed and a copy of the determination of no hazard to air navigation must be provided to MCAS Yuma upon availability. Thank you for the opportunity to review and comment.

DATE: 17 Feb 2023

NAME: Antonio Martinez

TITLE: Community Liaison Specialist

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 02/21/23 @ 5 p.m.

Location: At the property

Attendees:

Applicants: David Lindgens, Representing the Property Owner; Tami Pritchard, JB Infrastructure.

City Staff: Bob Blevins

No Neighbors in Attendance

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

Pritchard: 24th Street is a major roadway and in need of better service. Because of traffic and cars, ATT has 1st Net for 1st responders. This property has wide open spaces and it is easy to get to for utility work. Will have live palm trees. Need to determine who will maintain them.

Lindgens: Besides the church there is ministry for new life counseling at the property.

City Staff: You need to determine that in the lease.

MEETING ENDED AT 5:19 P.M.

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ESPINOZA JUAQUIN R	2298 S MARY AVE	YUMA	AZ	85365
SHIVE DEBORAH L	2306 S MARY AVE	YUMA	AZ	85364
DECKARD SAMUEL N	654 S MAIN ST	YUMA	AZ	85364
MORALES SALVADOR & ROCIO ESTIVALIZ JT	2344 S MARY AVE	YUMA	AZ	85365
KORETZ LARRY W & ROSEALEIA S	2314 S MARY AVE	YUMA	AZ	85365
CHAPMAN MARLENE	2340 S MARY AVE	YUMA	AZ	85365
CONTRERAS J GUADALUPE & MARIA G JT	2356 S MARY AVE	YUMA	AZ	85365
ESPINOZA MARIA D	911 E LA MESA STREET	YUMA	AZ	85365
GONZALEZ MATEO T	913 E LA MESA ST	YUMA	AZ	85365
MONTIJO ARNOLDO & BEATRIZ JT	329 S 19TH AVE	YUMA	AZ	85364
HERNANDEZ JAIME C & ELVIA G JT	1440 W 9TH PL	YUMA	AZ	85364
CORNEJO RUBEN	927 E LA MESA ST	YUMA	AZ	85365
HEREDIA ENRIQUE TRUJILLO & GRICELDA CHAPA DE	929 E LA MESA ST	YUMA	AZ	85365
MADRID FLORENCIO TRUST 10-1-2012	1020 W 8TH ST	YUMA	AZ	85364
CULLISON ROBIN	926 E LA MESA ST	YUMA	AZ	85365
MACHADO NANCY	928 E LA MESA ST	YUMA	AZ	85365
ZAMUDIO WILFRIDO A	930 E LA MESA ST	YUMA	AZ	85365
HUNTER GLORIA E	908 E LA MESA ST	YUMA	AZ	85365
MEZA LUCY & RICARDO D CPWROS	910 E LA MESA ST	YUMA	AZ	85365
ESPINOZA RICHARD V & BEATRICE &	912 E LA MESA ST	YUMA	AZ	85365
VILLARREAL JOSE	914 E LA MESA ST	YUMA	AZ	85365
SALDANA ISNARDO ISIDRO	921 E LA MESA ST	YUMA	AZ	85365
ESTRADA CONSUELO	925 E LA MESA ST	YUMA	AZ	85365
MONTES ELIZARDO ET AL	906 E LA MESA ST	YUMA	AZ	85364
KNOWLTON CHARLES E & CAROLYN J TRUST 9-20-2001	11466 S SHADOW AVE	YUMA	AZ	85365
ROBINSON JUSTINE JUANITA TRUST 07-19-2012	920 E LA MESA ST	YUMA	AZ	85364
MURRIETTA JESSIE ALICE	924 E LA MESA ST	YUMA	AZ	85365
ROMERO MARIA R LIVING TRUST 7-15-08	933 E LA MESA ST	YUMA	AZ	85365
GOMEZ MARY L	919 E LA MESA ST	YUMA	AZ	85365
BROWN JEREMY L & GRISELDA JT	923 E LA MESA ST	YUMA	AZ	85365
RUELAS JESUS & MARIA JT	904 E LA MESA ST	YUMA	AZ	85365
LETT GARY E	918 E LA MESA ST	YUMA	AZ	85365
DUENAS MARIA G HERNANDEZ	922 E LA MESA ST	YUMA	AZ	85364
BENNETT DARRELL K	11229 S CARDINAL LN	YUMA	AZ	85365
MAY FORREST	1796 S 6TH AVE	YUMA	AZ	85364
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
BAYER GRACE L	907 E HARVARD ST	YUMA	AZ	85364
PAYNE MICHAEL & AMALIA JT	1023 E ESTRELLA LN	YUMA	AZ	85364
ORTIZ CUAUHTEMOC	3124 W LUCKY LOU ST	SOMERTON	AZ	85350
MARTINEZ MARTINA NUNEZ	914 E HARVARD ST	YUMA	AZ	85365
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
MONROY JUANA H	1109 E 23RD ST	YUMA	AZ	85365
OLIVAS RODOLFO	2558 S TERRACE AVE	YUMA	AZ	85365

KARLOVICH ROBIN D ET AL	1174 E 23RD PL	YUMA	AZ	85365
VAZQUEZ LOURDES M	933 E 25TH PL	YUMA	AZ	85365
LANGEWISCH COLLEEN	1158 E 23RD PL	YUMA	AZ	85365
GARCIA JESUS CARINA	1143 E 23RD PL	YUMA	AZ	85365
VARGAS SERGIO TRUST 10-11-2022	5101 KIERNAN AVE	SALIDA	CA	95368
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
	8671 E SOUTH			
PACESETTER HOMES LLC	FRONTAGE RD	YUMA	AZ	85365
ROCHIN ROSALBA LOPEZ	1173 E 23RD STREET	YUMA	AZ	85365
CAMARENA ROSAURA TRUST 7-1-01	1517 DEFENDER ST	CHOW CHILA	CA	93610
BORBOLLA LIZETH	1118 E 23RD PL	YUMA	AZ	85365
LOPEZ SILVIA	1110 E 23ND PL	YUMA	AZ	85365
MONTALVO ARTHUR	1103 E 23RD PL	YUMA	AZ	85364
JENNINGS RICHARD N TRUST 3-29-07	13689 E 49TH DR	YUMA	AZ	85367
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
MEDINA MARIO	1207 E 23RD PL	YUMA	AZ	85365
STATE OF ARIZONA	1688 W ADAMS ST	PHOENIX	AZ	85007
PAILLIOTET JOHN & FLORA TRUST 6-12-2008	1309 E 22ND ST	YUMA	AZ	85365
VIDALES ROMELIA	PO BOX 14188	SAN LUIS	AZ	85349
LOPEZ PATRICIA &	2764 S MADISON AVE	YUMA	AZ	85364
SERNA JOSE CARLOS CORALES	1019 E ESTRELLA LN	YUMA	AZ	85365
HOLLINGSWORTH SHEILA M	1011 E ESTRELLA LN	YUMA	AZ	85365
ROCHA MARIA R	1010 E ESTRELLA LN	YUMA	AZ	85365
KESSLER JOHN MICHAEL & VINA JEAN	1018 E ESTRELLA LANE	YUMA	AZ	85365
GARCIA FAMILY TRUST 4-22-2019	1022 E ESTRELLA LN	YUMA	AZ	85365
SANDOVAL JESUS	PO BOX 3915	SAN LUIS	AZ	85349
RUBIO ABEL	4357 W LINDA LN	YUMA	AZ	85364
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
SANDOVAL JESUS	PO BOX 3915	SAN LUIS	AZ	85349
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
VAN ETEN SYLVIA	1111 E 23RD PL	YUMA	AZ	85365
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
PALACIOS LUIS & LETICIA JT	1183 E 23RD PL	YUMA	AZ	85365
BECKENTHAL STEPHANIE	1198 E 23RD PL	YUMA	AZ	85365
ACOSTA HILDA	1102 E 23RD PL	YUMA	AZ	85365
ROSS DEBRA	2349 S CAROL AVE	YUMA	AZ	85365
ARELLANO SAMARIA	2370 S MARY AVE	YUMA	AZ	85365
WANG VICTOR & JUDY JT	1701 W MORELAND DR	MONTEBELLO	CA	90640
GUTIERREZ JOEL M & ESMERALDA M JT	1151 E 23RD PL	YUMA	AZ	85365
HERNANDEZ IRMA RAYON DE	1159 E 23RD PLACE	YUMA	AZ	85365
	12178 E CALLE LA			
FERNANDEZ LEOBARDO	PRIMERA	YUMA	AZ	85367
GROVER LINDA	1101 E 23RD ST	YUMA	AZ	85365
RENSEL TRUST 7-19-2022	1357 E LA MESA	YUMA	AZ	85365
SOLORIO OFELIA SERRANO	2337 S CAROL AVE	YUMA	AZ	85365
IMMANUEL SOUTHERN BAPTIST CH	1000 E 24TH ST	YUMA	AZ	85365
SALAZAR ARMANDO	2024 E LA MESA ST	YUMA	AZ	85365
IMMANUEL SOUTHERN BAPTIST CH	1000 E 24TH ST	YUMA	AZ	85365
LUCERO JUAN JOSE JR	2394 S MARY AVE	YUMA	AZ	85364
ORTIZ CUAUHTEMOC	3124 W LUCKY LOU ST	SOMERTON	AZ	85350
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
SMITH ANTHONY	1015 E ESTRELLA LN	YUMA	AZ	85365
THOMPSON ELEANOR M &	1007 E ESTRELLA LN	YUMA	AZ	85365

URIAS RIGOBERTO & LETICIA JT	1014 E ESTRELLA LN	YUMA	AZ	85365
BENNETT REAL ESTATE HOLDINGS LLC	PO BOX 6868	YUMA	AZ	85366
SANDOVAL JESUS	PO BOX 3915	SAN LUIS	AZ	85349
LUGO YADIRA	1189 E 23RD ST	YUMA	AZ	85365
BORQUEZ HUMBERTO S &	1343 E MORRISON ST	YUMA	AZ	85364
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
SULLIVAN JOHN H	910 S MYRTLE AVE	YUMA	AZ	85364
MONROY JUAN C & MARIA D JT	3641 W 26TH ST	YUMA	AZ	85364
NEGRETE MARIA	648 S 72ND ST	MESA	AZ	85208
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
MATA MIGUEL JR	2325 S CAROL AVE	YUMA	AZ	85365
URQUIJO JUAN PABLO & REYNA CASTANEDA	1215 E 23RD PL	YUMA	AZ	85365
FLORES SILPHA SARAHI	2361 S CAROL AVE	YUMA	AZ	85365
ALAVEZ CARLOS A & NIDIA JT	2382 S MARY AVE	YUMA	AZ	85364
STREBE CHRISTOPHER & LUCINDA	2368 S MARY AVE	YUMA	AZ	85365
SHAYA HOLDING LLC	101 E 24TH ST	YUMA	AZ	85364
HAL COOKE ENTERPRISES INC AZ CORP	PO BOX 6486	YUMA	AZ	85366
HOOVER MARY KATHERINE	1303 E 23RD PL	YUMA	AZ	85365
MRAZ VERONICA	45299 WEAVER CIR	CALLAHAN	FL	32011
DIAZ ROBERTO A	1333 E 23RD ST	YUMA	AZ	85365
ARNOLD JOSEPH MASON &	1302 E 23RD PL	YUMA	AZ	85365
HAMPSHIRE M B TRUST 3-5-97	1306 E 23RD PL	YUMA	AZ	85365
TRISTRAM ANTHONY J	1307 E 23RD PL	YUMA	AZ	85365
GLEASON TIMOTHY E	1302 E MORRISON ST	YUMA	AZ	85365
MARNOCH MICHAEL	10602 CAMINO DEL SOL	YUMA	AZ	85367
MOSIER FLOYD J	2421 S CAROL AVE	YUMA	AZ	85364
MONTANO FELIPE & CLAUDIA D BURGUENO DE	2431 S CAROL AVE	YUMA	AZ	85365
PLISKA JOSHUA T	4876 W 31ST ST	YUMA	AZ	85364
NICEWANDER JAMIE & MARIA CPWROS	2411 S CAROL AVE	YUMA	AZ	85365
PADILLA DALILA O	PO BOX 4595	CARLSBAD	CA	92018
HERNANDEZ JESUS B	2412 S MARY AVE	YUMA	AZ	85365
REED KENDEN J	2432 S MARY AVE	YUMA	AZ	85365
DUENAS JESUS R & EDITH M	1300 E LA MESA ST	YUMA	AZ	85365
BOULE RAYMOND OSCAR III & TATIANA ELLA	1304 E LA MESA ST	YUMA	AZ	85365
DELAROSA EUGENE & OFELIA	2422 S MARY AVE	YUMA	AZ	85365
ROJAS JOE	1301 E LA MESA ST	YUMA	AZ	85364

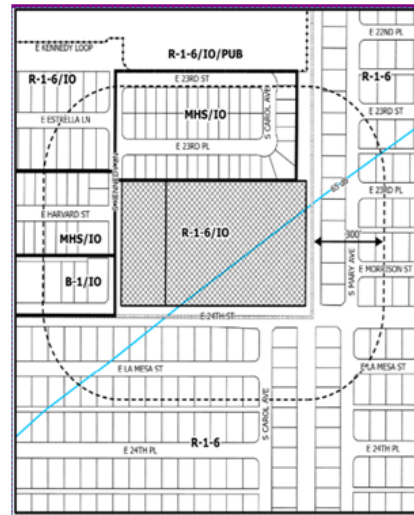
ATTACHMENT G NEIGHBOR MAILING

This is a request by JB Infrastructure, on behalf of Immanuel Southern Baptist Church, for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1000 E. 24th Street, Yuma, AZ.

**MEETING DATES,
TIMES & LOCATIONS
FOR CASE #
VAR-41002-2023**

NEIGHBORHOOD MEETING
02/21/2023 @ 5:00PM
ON-SITE

PUBLIC HEARING
03/09/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1000 E. 24th Street, Yuma, AZ., you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928)373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO

